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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,548	10/23/2000	Donald A. Glaser	838312000100	2570
20872	7590	02/17/2004	EXAMINER	
MORRISON & FOERSTER LLP 425 MARKET STREET SAN FRANCISCO, CA 94105-2482			KOENIG, ANDREW Y	
		ART UNIT		PAPER NUMBER
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DATE MAILED: 02/17/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/695,548	GLASER, DONALD A.
	Examiner Andrew Y Koenig	Art Unit 2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4_5</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,894,320 to Vancelette in view of U.S. Patent 6,195,090 to Riggins, III.

Regarding claim 1, Vancelette teaches a system for user-selectable audio and video signals from events such as educational lectures (col. 5, ll. 57-64) and football games (col. 11, ll. 55-65). Vancelette teaches a set top terminal (70) and display (580), which reads on the claimed (viewing device), wherein the combination of the set top terminal and display has a display (580), memory (560), processing unit (540, 545), and a control panel (col. 4, ll. 35-48). Further, the attendee is given the broadest reasonable interpretation of attendee in that the person could be remotely attending a lecture or football game, which clearly uses the viewing device. Vancelette teaches a retransmission system operating at the venue that receives video and audio and retransmits the video and audio data to the device (col. 5, ll. 57-64, col. 6, ll. 13-23). Vancelette is silent on receiving text data and retransmitting the text data. Riggins teaches receiving and retransmitting telemetry data, which reads on text data (col. 6, ll. 21-34, col. 6, ll. 63-65, fig. 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vancelette by receiving and

retransmitting text data as taught by Riggins in order to provide additional services such as supplemental information to the user thereby enabling the user to interact with the programming.

Regarding claim 2, the combination of Vancelette and Riggins has been discussed above. Riggins teaches transmitting the video and audio on different frequencies (col. 3, ll. 19-43).

Regarding claim 3, Vancelette is silent on a JINI compatible device. Official Notice is taken that JINI devices are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vancelette by incorporating a JINI compatible device in order to provide the user with a portable device that can be used in different environments thereby increasing device portability.

Regarding claim 4, Vancelette teaches one or more cameras (fig 1) for inputting video images of the performers, such as lectures (col. 5, ll. 57-67). Vancelette is silent on one or more input terminals for inputting text into the system. Riggins teaches a telemetry receiver for receiving telemetry data, which reads on a terminal for inputting text data (col. 6, ll. 21-34, col. 6, ll. 63-65, fig. 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vancelette by using telemetry receiver for receiving telemetry data by inputting text data as taught by Riggins in order to provide additional services such as supplemental information to the user thereby enabling the user to interact with the programming. Vancelette teaches a transmitting apparatus (fig. 1, label 20) which has inputs and output units, and

clearly has memory and processing in order to digitize, compress, encrypt, and encode the received data. Further, the attendee is given the broadest reasonable interpretation of attendee in that the person could be remotely attending a lecture or football game, which clearly uses the viewing device. The combination of Vancelette and Riggins teaches a retransmission system operating at the venue that receives video and text and retransmits the video and text data to the device (col. 5, ll. 57-64, col. 6, ll. 13-23). Vancelette is silent on short-range transmission capability. Official Notice is taken that short-range transmission capabilities are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vancelette by using a short range transmission in order to provide the data to the users locally in addition to those remote.

Regarding claim 5, Vancelette is silent on a JINI compatible device. Official Notice is taken that JINI device are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vancelette by incorporating a JINI compatible device in order to provide the user with a portable device that can be used in different environments thereby increasing device portability.

Regarding claim 6, Vancelette teaches a lecture (col. 5, ll. 57-67).

3. Claims 7, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,894,320 to Vancelette in view of U.S. Patent 6,571,279 to Herz et al. (Herz).

Regarding claim 7, Vancelette teaches the user using the set top terminal (Abstract); clearly the user obtained a viewing device. Vancelette teaches receiving a lecture and viewing sporting events but is silent on an attendee of a performance. Official Notice is taken that providing additional information to an attendee is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vancelette by providing additional information to an attendee of a performance in order to enhance the viewer's experience. Vancelette is silent on logging onto a viewing system located in a venue of the performance. Herz teaches using a magnetic card to identify the user thereby logging the user into the system (col. 22-23, ll. 42-14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vancelette by logging the user into the system as taught by Herz in order to provide more user-directed information to the user thereby enhancing their experience. Vancelette teaches selecting a video image from a camera. Vancelette teaches a system for user-selectable audio and video signals from events such as educational lectures (col. 5, ll. 57-64) and football games (col. 11, ll. 55-65).

Regarding claims 8 and 10, Vancelette is silent on a JINI compatible device. Official Notice is taken that JINI device are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vancelette by incorporating a JINI compatible device in order to provide the user with a portable device that can be used in different environments thereby increasing device portability.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,894,320 to Vancelette and U.S. Patent 6,571,279 to Herz et al. (Herz) in view of U.S. Patent 6,195,090 to Riggins, III.

Regarding claim 9, Vancelette teaches a wireless transmission, but is silent on text data. Riggins teaches receiving and retransmitting telemetry data, which reads on text data (col. 6, ll. 21-34, col. 6, ll. 63-65, fig. 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vancelette by receiving and retransmitting text data as taught by Riggins in order to provide additional services such as supplemental information to the user thereby enabling the user to interact with the programming.

5. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,894,320 to Vancelette.

Regarding claim 11, Vancelette teaches a system for user-selectable audio and video signals from events such as educational lectures (col. 5, ll. 57-64) and football games (col. 11, ll. 55-65). Vancelette teaches a retransmission system operating at the venue that receives video and audio and retransmits the video and audio data to the device (col. 5, ll. 57-64, col. 6, ll. 13-23). Vancelette is silent on the location being a seat location in a venue of the performance. Official Notice is taken that providing information at a seat location at a venue is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made

to modify Vancelette by displaying additional information to a seat location of a venue in order to provide a person such as a student or football game watcher additional information from the event.

Regarding claim 12, Vancelette teaches a classroom lecture (col. 5, ll. 57-64).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,057,915 to Von Kohorn teaches providing information to students at their seats in a classroom (col. 51-52, ll. 45-12).

U.S. Patent 5,729,471 to Jain et al. teaches user selection of camera angles (col. 14, ll. 55-61, col. 17, ll. 27-46).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ayk



HAI TRAN
PATENT EXAMINER

A handwritten signature in black ink, appearing to read "Hai Tran", is written over a horizontal line. Below the signature, the name "HAI TRAN" is printed in capital letters, followed by "PATENT EXAMINER" also in capital letters.